

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

WARNER BROS. RECORDS, INC., §  
*et al.*, §  
§  
Plaintiffs, §  
§  
v. § CIVIL ACTION NO. H-06-cv-03932  
§  
CRYSTAL MONTELONGO, §  
§  
Defendant. §

**ORDER ENTERING DEFAULT, DEFAULT JUDGMENT, AND INJUNCTION**

Plaintiffs have filed a motion for entry of default and default judgment against defendant Crystal Montelongo for her failure to answer or otherwise appear. Plaintiffs have submitted a declaration and application supporting their request for default judgment, an award of statutory damages for infringed works under the Copyright Act, 17 U.S.C. § 504(a) and (c), and for an injunction. The defendant Crystal Montelongo has failed to answer the complaint as required by Rule 12, Fed. R. Civ. P., making entry of default against her proper. The plaintiffs have filed a declaration, application, and exhibits in support of their claims for statutory damages and an injunction. The plaintiffs have also sent defendant notice of the motion for entry of default and default judgment. Further notice to the defendant and further hearings are not necessary. Rule 55(b)(2), Fed. R. Civ. P. The motion for default judgment is granted.

This court concludes that the plaintiffs have established their entitlement to default judgment against the defendant Crystal Montelongo for the minimum statutory damages provided under section 504 of the Copyright Act (\$750.00) for each of the five infringements alleged in the Complaint, for a total of \$3,750.00, an injunction under section 502 of the Copyright Act, and costs in the amount of \$420.00.

Crystal Montelongo must pay \$3,750.00 in damages to the plaintiffs for infringement of plaintiffs' copyrights.

Crystal Montelongo is enjoined from directly or indirectly infringing plaintiffs' rights under federal or state law in the following copyrighted sound recordings:

- “The Ice Cream Man,” on album “Van Halen,” by artist “Van Halen” (SR# 239);
- “Angel of Harlem,” on album “Rattle & Hum,” by artist “U2” (SR# 99-818);
- “Lady Down on Love,” on album “Closer You Get,” by artist “Alabama,” (SR# 49-145);
- “Killin’ Time,” on album “Killin’ Time,” by artist “Clint Black” (SR# 105-436); and
- “Dissident,” on album “Vs.,” by artist “Pearl Jam” (SR# 207-219).

Crystal Montelongo is enjoined from any infringing activities, including without limitation by using the Internet or any online media distribution system to reproduce (i.e., download) any of these recordings, to distribute (i.e., upload) any of these recordings, or to make any of these recordings available for distribution to the public, except pursuant to a

lawful license or with the express authority of the plaintiffs. Crystal Montelongo must destroy all copies of these recordings she has downloaded onto any computer hard drive or server without plaintiffs' authorization and destroy all copies of those downloaded recordings transferred onto any physical medium or device in her possession, custody, or control.

Crystal Montelongo must also pay the costs of court in the amount of \$420.00.

SIGNED on March 19, 2007, at Houston, Texas.



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Lee H. Rosenthal  
United States District Judge